

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARK DEML, Appellant,)	No. ED101461
)	
vs.)	Appeal from the Circuit Court
)	of Lincoln County
SHEEHAN PIPELINE CONSTRUCTION,)	Hon. Chris K. Mennemeyer
Respondent.)	FILED: December 23, 2014

Mark Deml (“Employee”) appeals from the trial court’s grant of summary judgment in favor of Sheehan Pipeline Construction Company, et al. (“Employer”). Employee argues the trial court erred in granting Employer’s motion for summary judgment because: (1) it failed to make a finding that Employee’s exercise of his rights under the Workers’ Compensation Law was not a contributing factor in Employer’s decision to terminate Employee, and (2) its finding the Employee did not exercise any rights until after he was terminated was incorrect.

REVERSED AND REMANDED.

Division Three holds: The trial court erred in granting Employer’s motion for summary judgment because Employee’s exercise of his rights under the Workers’ Compensation Law could have been a contributing factor in Employer’s decision to terminate Employee. The trial court erred in granting Employer’s motion for summary judgment because its finding the Employee did not exercise any rights until after he was terminated was in error.

Opinion by: Robert G. Dowd, Jr., J
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorneys for Appellant: Kevin Kasper, Ryan P. Schellert

Attorneys for Respondent: Russell C. Riggan, Samuel W. Moore

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
